

**REMARKS**

This is in reply to the Final Action dated April 4, 2006. Applicant respectfully requests reconsideration and reexamination.

Claims 1, 2, 4-7, 9 and 10 remain pending. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

**Rejections Under 35 U.S.C. § 103**

The Office Action rejects claims 1, 2, 4, 5, 7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over WO 00/04649 to Naghian ("Naghian") in view of WO 00/33470 to Tran et al. ("Tran"). Applicant respectfully traverses this rejection as follows.

The present invention differs in material respects to Naghian and Tran. For example, as acknowledged in the Office Action at page 3, Naghian fails to disclose "second determination means for determining whether a deviation of a frequency of a reception wave due to the Doppler effect is not more than a predetermined value, if the determination result from said second determination means indicates that the transmission power is repeatedly increased/decreases," as recited in claim 1. Similarly Naghian fails to disclose "determining whether a deviation of a frequency of a reception wave due to the Doppler effect is not more than a predetermined value, if the transmission power is repeatedly increased/decreased," as recited in claim 7. As previously discussed, these features of claims 1 and 7, which are absent from Naghian, reduce the possibility of false transmission control resulting from a decoding error due to a Doppler effect.

In view of this deficiency in Naghian, the Office Action relies on Tran. However, Tran's system performs an estimation algorithm taking into account the velocity of the mobile station in order to by-pass or modify the derivation of the power control commands. The power control commands of Tran must be performed for each slot in accordance with a transmission power control bit updated for each slot. There is no suggestion or motivation to utilize a determine a deviation of frequency of due to Doppler effect in conjunction with

determining whether an instruction to increase/decrease transmission power based on a plurality of stored transmission power control signals is repeatedly generated, as recited in claims 1 and 7. Consequently, Tran differs in its principle of operation and it is submitted that the Final Action's reliance on Tran in combination with Naghian results from an improper use of hindsight reasoning.

The remaining dependent claims incorporate the above-noted features of the independent claims and are patentable over the cited references for at least the same reasons. Further, the dependent claims recite additional features that further distinguish over the cited references.

In particular, claim 6 recites "said first determination means determines whether a predetermined frequency component of frequency components obtained by Fourier-transforming a plurality of transmission power control signals stored in said storage means is not more than a predetermined value." Claim 10 similarly recites "determining whether a predetermined frequency component of frequency components obtained by Fourier-transforming a plurality of stored transmission power control signals is not more than a predetermined value."

The Office Action relies on U.S. Patent No. 5,924,043 to Takano in reference to the features of claims 6 and 10. However, there is no suggestion or teaching in Takano nor in Tran or Naghian that would provide motivation to for the additional substitution offered in the Final Action. Consequently, the rejection of these claims also results from improper use of hindsight reasoning.

#### Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

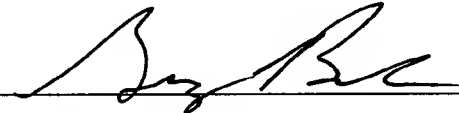
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

7/5/06

By



FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6014  
Facsimile: (202) 672-5399

George C. Beck  
Attorney for Applicant  
Registration No. 38,072